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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,043	02/25/2000	Philip Gilchrist	CE03599RP01	6989
22917	7590	08/22/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			HEINRICH, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/513,043	GILCHRIST ET AL.	
	Examiner	Art Unit	
	Christopher P. Heinrichs	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/19/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/19/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment of 5/19/2005. Accordingly, Claim 12 is currently pending in the application.

Claim Objections

1. Claim 12 is objected to because of the following informalities: the limitation "such as" in the final line of the claim. Appropriate correction is required.
2. Examiner understands that the packet data gateway is to be bypassed. It is recommended, for the same effect, that the applicant enter in the claim the limitation that the packet data gateway is an element external to the local network, and remove the limitation "such as the packet data gateway."

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,442,633 to Perkins et al. in view of US Patent 5,719,860 to Maison et al.

4. With regard to claim 12, Perkins discloses a method for routing data in a local network (fig 2 items 14, 12, 16, 10 and 11), the method comprising the step of: receiving, at a base station from a packet data gateway (see col 7 line 26, and fig 2 items 18 and 20 make it apparent that the router 20 is integral to the gateway 18, and fig 2 item 12 is the base station), a context (col 8 lines 18-21, and fig 4, particularly item E, which is the "first NPDU" of col 9 line 25), wherein the context supplies the base station with routing information (LSR information is contained in NPDU, described in col 6 line 39 – col 7 line 28) and the context comprises mobility information (address of mobile host 10); receiving uplink information from a first remote unit; and utilizing the context to route the uplink information to a second remote unit (col 9 lines 19-29), wherein the routing of the information bypasses network elements external to the local network such as the packet data gateway (col 6 lines 43-46). Perkins fails to explicitly disclose that the context forwarded to the base station contain security information. However, Maison discloses forwarding a context including security information to a base station (BSS) (col 3 lines 49-53) from the MSC which serves as a data gateway between the base station and packet networks (fig 2 items 25₁ and 25₃). It would have been obvious to one ordinarily skilled in the art at the time of the invention to include

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general security information in the context forwarded to the base station to arrive at the method of claim 12. The motivation to do so would have been as set forth by Perkins in col 11 lines 15-19). The packet data gateway, as set forth in the above citations, forwards the necessary data to the appropriate base station so that two mobile hosts may communicate bypassing the packet data gateway. If security implications are taken into account, it would have been obvious to include security information in the context, as Maison does.

Response to Arguments

5. Applicant's arguments filed 5/19/2005 have been fully considered but they are not persuasive.
6. The applicants submit that Maison does not teach receiving the context from a packet data gateway and then using that context to route information in a manner that bypasses network elements external to the local network such as the packet data gateway itself. Examiner posits that it is not unreasonable to interpret the MSC disclosed by Maison as a packet data gateway, as it serves as a gateway between the BSS of fig 2 and packet networks PSPDN and ISDN of fig 2, as is made apparent by the drawing.
7. The applicants do not see how this passage in combination with figure 1 teaches or suggests receiving, at a base station from a packet data gateway a context...and utilizing the context to route the uplink information to a second remote unit, wherein the routing of the information bypasses network elements external to the local network such

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as the packet data gateway," as recited by claim 12. This argument is addressed in the rejection of claim 12 and is rendered moot.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Heinrichs whose telephone number is 571-272-8397. The examiner can normally be reached on Monday through Friday, 8:30am to 5:00pm.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


G Heinrichs
AU 2663


RICKY NGO
PRIMARY EXAMINER

8/18/05